



### HARTENSTEIN POOR LLC

Via Facsimile 202.291.3923 (Attn: Frankie Hampton, Paralegal)

November 25 2014

Federal Elections Commission
Offices of Complaints Examination and Legal Administration
999 E. Street NW
Washington DC 20436

RE: Complaint of Kansas Republican Party, Dated October 30 2014 FEC Complaint # MUR 6900

Dear Federal Elections Commission,

I serve as counsel to Gregory J. Orman and the Orman for U.S. Senate, Inc. (the "Respondent"). An executed copy of the Statement for Designation of Counsel is attached herewith. Respondent was as independent candidate for U.S. Senate in the State of Kansas in the 2014 election cycle. Respondent is identified as FEC # S8KS00227. Respondent's principal campaign committee is identified as FEC # COO465294.

On October 30 2014, the Kansas Republican Party, by and through its Executive Director and General Counsel Clay Barker (the "Complainant"), filed a complaint against Respondent and certain Democratic state and local party committees (the "Complaint"). The Complaint is frivolous and was obviously filed to support the political charge that the Respondent was a "stealth Democrat masquerading as an independent." The clear intent of the Complaint was garner publicity on the eve of the 2014 general election.

The Respondent respectfully requests a finding of "no reason to believe," pursuant to 11 CFR § 111, and immediate dismissal of the Complaint without admonishment or further investigation and inquiry. In support thereof, the Respondent submits as follows:

- 1. Respondent and the Democratic state and local party committees named in the Complaint are separate and distinct. Respondent was nominated as an independent candidate by petition per KSA § 25-303. Respondent is not affiliated with the Kansas Democratic Party or any other partisan organization. Respondent has no authority to respond to allegations involing to these third-parties. Furthermore, Respondent has no direct knowledge of the alleged conduct attributed to these unrelated partisan entities.
- 2. Specifically, the Complaint suggests that an Iola KS volunteer office of the Kansas Democratic Party was in possession of, and allegedly distributed, certain of Repondent's yard signs. Respondent is unfamiliar with the Iola KS volunteer

office, and cannot confirm or deny that the suggested locale is affiliated or associated with the Kansas Democratic Party. Respondent cannot respond to allegations of conduct attributed to the Iola KS volunteer office. Respondent admits only that yard signs were printed and produced by Respondent's principal campaign committee. Such expenditures were timely reported in periodic FEC Form 3 filing and later FEC 48-Hour Notices. The principal campaign committee distributed yard signs freely upon request. Respondent has no knowledge whatsoever of any coordinated efforts involving the Iola KS volunteer office in regards to distribution Respondent's yard signs.

3. Citing the Iola KS volunteer office as the singular incident and source of evidence, Complainant alleges a failure to report inkind contribution(s). However, nothing therein suggests an "expenditure", within the meaning of 2 USC § 431, that would trigger reporting obligations. Respondent denies any violation of 11 CFR § 104.3 or other campaign finance reporting requirements. Respondent denies the Complainant's allegations; however, even if true, such allegations would not constitute a violation of law.

Under <u>Hickley v. Chaney</u>, 470 U.S. 821 (1985), the FEC has broad discretion to dispose of frivolous complaints that do not warrant further investigation and inquiry. A finding of "no reason to believe" followed by dismissal without admonishment is appropriate when a complaint is not credible and the allegations do not constitute a violation of law. Herein, the Complaint is clearly politically motivated, meritless and the allegations do not constitute a violation of law. Dismissal without admonishment or further investigation and inquiry is the appropriate disposition of the Complaint.

Please preserve the confidentiality of this response in accordance with 52 USC § 30109(a)(4)(B) and § 30109(a)(12)(A). Please contact counsel at the address or phone number below if you have any questions, comments or concerns. Thank you for your cooperation and assistance in this matter.

Respectfully submitted,

FOR THE RESPONDENT

Scott B. Poor Esq. KS #19759, MO #57319

HARTENSTEIN POOR LLC

200 W. Douglas Ave., Ste. 600

Wichita KS 67202

316.267.2315

316.262.5754 fax

913.620.2240 mobile



### FEDERAL ELECTION COMMISSION 999 E Street, NW Washington, DC 20463



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OFFICE OF GEHERAL COUNSEL

#### STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

FAX 202-219-3923

MUR # MUR	6900
Name of Counse	Scott B. Poor
Firm:	Hartenstein Poor LLC
Address:	200 W. Douglas Ave., Ste. 600
	Wichita KS 67202
Telephone:	316.267.2315 Fax: 316.262.5754
E-mail:	scott@scottbpoor.com
	ed individual and/or firm is hereby designated as my counsel and is authorized to receive any distributions from the Commission and to act on my behalf before the    Managing Member   Signature   Respondent/Agent)   Title
RESPONDENT	Gregory J. Orman
Mailing Address (Please Print)	(Committee Name/ Company Name/Individual Named in Notification Letter)
Telephone (H):	(W):
E-mail:	gorman@denalipartners.com

This form relates to a Pederal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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### FEDERAL ELECTION COMMISSION 999 E Street, NW Washington, DC 20463

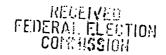
2015 JAN 23 PH 1: 34

OFFICE OF GENERAL COUNSEL

# STATEMENT OF DESIGNATION OF COUNSEL Please use one form for each Respondent/Entity/Treasurer FAX (202) 219-3923

TELEPHONE- OFFICE ( 316 ) 267-2315  FAX ( 316 ) 262-5754 Web Address www.hartensteinpoor.com  The above-named individual and/or firm is hereby designated as my counsel a horized to receive any notifications and other communications from the Commiss
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Gregory J. Orman (CANDIDATE, ORMAN FOR U.S. SENATE, INC
(Committee Name, Company Name, or Individual Named in Notification
AILING ADDRESS:
lease Print)

Information is being eaught as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation





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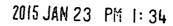
# FEDERAL ELECTION COMMISSION OF FICE OF GENERAL 999 E Street, NW COUNTRY! Washington, DC 20463

# STATEMENT OF DESIGNATION OF COUNSEL Please use one form for each Respondent/Entity/Treasurer FAX (202) 219-3923

MUR #		Scott B Boo	ar Pea	
NAME OF CO	UNSEL:_	Scott B. Poo		
TRM:	Harten	stein Poor LLC	;	<u>.</u>
ADDRESS:	200 W.	Douglas Ave.,	Ste. 600	
	Wichit	a KS 67202		
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FEDERAL ELECTION
CONTRISSION





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OFFICE OF GENERAL COURS 1

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DDRE88:	200 W. Douglas Ave., Ste. 600	<del>_</del>
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